

AGENDA ITEM L-1



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Introduce Ordinance Amending Title 12 – Streets, Sidewalks, and Public Places – Chapter 12.06, "Downtown Lodi Business Improvement Area No. 1," by Repealing and Reenacting Section 12.06.050, "Establishment of Benefit Fee"

MEETING DATE: January 3, 2007

PREPARED BY: City Attorney

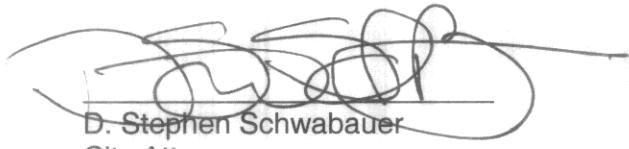
RECOMMENDED ACTION: Introduce ordinance amending Title 12 – Streets, Sidewalks, and Public Places – Chapter 12.06, "Downtown Lodi Business Improvement Area No. 1," by repealing and reenacting Section 12.06.050, "Establishment of Benefit Fee."

BACKGROUND INFORMATION: Council approved a 20% increase for the Downtown Lodi Business Partnership's fees at a public hearing on October 18, 2006; however, because fees are currently established by ordinance, the action requires an ordinance change. To simplify the matter, this ordinance will provide that future fees will be set by resolution. Assuming Council approves this ordinance, staff will return with a resolution establishing the 20% increase on January 17, 2006, as follows:

Type	Zone A	Zone B
1. Retailers and Restaurants	\$240.00 (1-3 full time or full time equivalent ("FTE") employees)	\$120.00
	360.00 (4-6 FTE employees)	180.00
	480.00 (7+ FTE employees)	240.00
2. Service Businesses	\$180.00	\$ 90.00
3. Professional Businesses	\$120.00	\$ 60.00
4. Financial Institutions	\$600.00	\$600.00

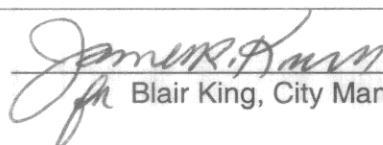
FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.


D. Stephen Schwabauer
City Attorney

DSS

APPROVED:


Blair King, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING TITLE 12 – STREETS, SIDEWALKS, AND
PUBLIC PLACES – CHAPTER 12.06, “DOWNTOWN LODI
BUSINESS IMPROVEMENT AREA NO. 1,” BY REPEALING
AND REENACTING SECTION 12.06.050, “ESTABLISHMENT
OF BENEFIT FEE”

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 12.06.050, “Establishment of Benefit Fee,” is hereby repealed and reenacted to read as follows:

All businesses, trades, and professions located within the area boundaries shown on Exhibit A attached to the ordinance codified in this chapter shall pay an annual benefit fee in such amounts as are established from time to time by City Council Resolution.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this _____ day of January, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held January 3, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney